

MICHIGAN DEPARTMENT of AGRICULTURE

ENVIRONMENTAL STEWARDSHIP DIVISION

AGRICULTURAL LABOR CAMPS

(By authority conferred on the department of public health by section 12421 of Act No. 368 of the Public Acts of 1978, as amended, being §333.12421 of the Michigan Compiled Laws)

R 325.3601 Definitions.

Rule 1. (1) As used in these rules or sections 12401 through 12434 of the act, or both:

(a) "Act" means Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(b) "Agreement" means an offer and acceptance arrangement between an applicant for a grant and the department.

(c) "Camp" means an agricultural labor camp that is licensable under authority of the act.

(d) "Department" means the state department of public health.

(e) "Director" means the state director of public health or his or her designated representative.

(f) "Double-wall construction" means frame or pole-type construction walls that are covered with a smooth, cleanable, rigid material on the interior surface of the supporting studs or poles and by siding on the exterior surface of the walls' structural members. Cement block and poured concrete walls are considered double-wall construction.

(g) "Garbage" means putrescible animal and vegetable wastes resulting from handling, preparing, cooking, and consuming food.

(h) "Grant" or "state grant" means money from the migratory labor housing fund that is made available to an employer of migratory laborers for not more than 50% of the cost of an extensive remodeling project that does not cost more than \$10,000.00. Projects that cost more than \$10,000.00 are acceptable; however, the grant shall be based upon a \$10,000.00 portion of the construction cost of the project.

(i) "Grantee" means an individual, corporation, partnership, association, or any combination thereof that operates or proposes to operate an agricultural labor camp under the act, that applies for a grant pursuant to the act, and that has signed an acceptance agreement with the department.

(j) "Habitable space" means a room or enclosed floor space that is used or intended to be used at a camp for living, sleeping, cooking, or eating purposes, but does not mean any of the following:

(i) A bathroom.

(ii) A toilet compartment.

(iii) A laundry.

(iv) A pantry.

(v) A foyer.

(vi) A connecting corridor.

(vii) A closet.

(viii) Storage space.

(k) "Hot water" means water that has been heated to not less than 110 degrees Fahrenheit and not more than 120 degrees Fahrenheit.

(l) "Housing" means a building or portion thereof that is offered as shelter for migratory laborers and such facilities as water supply, sewage disposal, showers, and camp area.

(m) "Refuse" means putrescible and nonputrescible solid waste, including garbage, rubbish, and ashes. Refuse does not mean body waste.

(n) "Sewage" means liquid waste and includes human excreta, waste from a sink, lavatory, bathtub, shower, or laundry, and any other liquid waste of organic or chemical nature, either separately or in any combination.

(o) "Shelter" means a building or part of a building, a tent, or a trailer that is used for sleeping or living quarters at an agricultural labor camp.

(p) "Tempered water" means hot water that has been cooled by adding cold water with a mixing device so that the water temperature is between 95 and 100 degrees Fahrenheit.

(q) "Toilet facilities" means water closets, urinals, lavatories, and the rooms provided for installation of these units and privies.

(r) "Unisex facility" means a facility which is located in a completely enclosed room with a door that can be locked from the inside and which has an entrance that is accessible to both sexes at all times.

(2) The terms defined in the act have the same meaning when used in these rules.

R 325.3603 Advisory board.

Rule 3. (1) The director shall appoint an advisory board to advise him or her on the administration of the act and these rules. The board shall consist of 14 individuals, 5 of whom shall be growers who employ migratory laborers or representatives of growers who employ migratory laborers and not less than 5 of whom shall be migratory laborers, former migratory laborers, or representatives of migratory laborers. Each member shall serve at the pleasure of the director, but shall not serve more than 4 years unless reappointed.

(2) The advisory board shall meet at the call of the director, except that the director shall call a meeting at the request of any 5 members of the board.

R 325.3605 Applicability of rules.

Rule 5. (1) These rules apply to all agricultural labor camps. A provision in these rules shall not take precedence over a requirement in an applicable local rule, ordinance, or code when such requirement is more stringent than the provision in these rules.

(2) The department may grant an exemption from an administrative rule if there is clear and convincing evidence that the alternative to the rule complies with the intent of the administrative rule from which exemption is sought.

(3) The decision of the department, including the qualification under which the exemption is granted, shall be entered upon the records of the department and a signed copy shall be sent to the camp operator. This exemption may remain in effect for as long as the camp operator continues to comply with the intent of the rule or may be time-limited.

(4) If a camp operator permits laborers to live in their own recreational vehicles at the camp, all of the following shall be provided:

- (a) An approved water supply.
- (b) Toilet facilities.
- (c) Shower facilities.
- (d) Electrical service.
- (e) Refuse containers.

R 325.3607 Licenses; application; issuance.

Rule 7. A separate application shall be submitted and a separate license issued annually for each agricultural labor camp. If there will be a new camp operator during the period for which the camp is licensed, the new operator shall apply for a transfer of the license not less than 30 days before the proposed change of operators is effective. On receipt of an application, the director shall review the application and cause any necessary investigation and inspection to be made. Based on the investigation and inspection, the director shall issue a full license or a temporary license or shall give the applicant or his or her authorized agent a written notice of denial stating the reasons for the denial.

R 325.3609 Camp operators' and occupants' responsibilities.

Rule 9. (1) An agricultural labor camp owner or camp operator or his or her agent shall clearly explain to camp occupants their responsibilities as to camp occupancy and care. The camp owner or operator or his or her agent shall inspect the camp area, structures, toilets, showers, and other facilities at least once a week and ensure that each is maintained in a clean and orderly condition and that broken or damaged property is repaired. The camp owner or operator shall number the shelters or sites.

(2) An employee and occupant of a camp shall use the sanitary and other facilities furnished for his or her convenience and shall comply with applicable camp regulations which may concern or affect his or her conduct. An occupant of a camp shall keep that part of the camp and premises which he or she occupies or uses in a clean and sanitary manner. An occupant of a camp shall dispose of his or her rubbish and garbage in a clean and sanitary manner by placing it in containers provided for this purpose.

R 325.3611 Camp area; drainage; location; health and safety hazards; recreation space; pets; farm implements.

Rule 11. (1) An agricultural labor camp area shall be well drained and free from depressions in which water may stagnate. The camp shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance or a hazard to health.

- (2) The camp shall not be subject to, or in proximity to, conditions that create any of the following:
- (a) Offensive odors.
 - (b) Flies.
 - (c) Noise.
 - (d) Traffic.
 - (e) Any other health and safety hazards.

(3) The camp shall be free from debris; noxious plants, such as poison ivy; and uncontrolled grass, weeds, and brush.

(4) The camp shall include a space for recreation that is reasonably related to the size of the camp and the type of occupancy.

(5) If the camp operator allows a pet or animal in the camp area, pet or animal waste shall be collected and properly disposed of. The pet or animal shall be restrained when outside of the living unit. The location and manner of restraint shall not interfere with any individual's free access to the following:

- (a) Shelters.
- (b) Central service buildings.
- (c) Parking areas.
- (d) Recreation areas.
- (e) Other community camp facilities.
- (f) Farm implements shall not be stored in the recognized camp area site.

R 325.3613 Water supply.

Rule 13. (1) An adequate and convenient supply of water that meets the requirements of Act No. 399 of the Public Acts of 1976, being §325.1001 et seq. of the Michigan Compiled Laws, shall be provided. A well shall be disinfected when the well is opened or after construction or repair.

(2) A cold water outlet shall be available within 50 feet of each shelter when water is not provided in the shelter. Adequate drainage facilities shall be provided for overflow and spillage.

(3) Use of a common drinking cup is prohibited.

R 325.3615 Shelter; construction; floors; furniture; space.

Rule 15. (1) A shelter shall be structurally sound, in good repair, in a sanitary condition, and provide protection to the occupant against the elements.

(2) The shelter shall have flooring that is constructed of rigid materials, smooth finished, readily cleanable, and located to prevent the entrance of ground and surface water. Shelter floors shall be reasonably level.

(3) Shelters constructed or put into operation after the effective date of these rules shall have double-wall construction and shall have an interior permanent-type ceiling.

(4) The following space shall be provided in the shelter:

(a) For sleeping purposes only, except as provided in subdivision (b) of this subrule, not less than 50 square feet of floor space per individual.

(b) For sleeping purposes in a dormitory that has double-deck beds only, not less than 40 square feet per individual.

(c) For combined cooking, eating, and sleeping purposes, the following space shall be provided:

(i) Not less than 60 square feet of floor space per individual for all shelters constructed before April 3, 1980, except as provided in paragraph (iii) of this subdivision.

(ii) Not less than 100 square feet of floor space per individual for all shelters constructed after April 3, 1980, and for any shelters in which renovation will include the addition of living space by increasing the exterior dimensions.

(iii) Ten years from the effective date of this rule, all shelters shall provide not less than 100 square feet of floor space per individual. In all cases, square footage shall be determined by using the outside dimensions of the shelter.

(5) The shelter for a family with 1 or more children who are over 6 years of age shall have a partitioned sleeping area. The partition shall be constructed of rigid materials and installed so as to provide reasonable privacy.

(6) A separate sleeping area shall be provided in the shelter for each sex or each family.

(7) An accessible facility shall be provided within each shelter for the storage of clothing and personal articles. Not less than 2 lineal feet of rod per individual 12 years of age or older and 1 lineal foot of rod per individual less than 12 years of age shall be provided for hanging clothing. There shall be not less than 3 feet of vertical open space below the rod. In addition, not less than 2 square feet of storage area shall be provided per individual. There shall be at least 1 foot of vertical open space above the storage area.

(8) At least 1/2 of the floor area in the shelter shall have a ceiling height of not less than 7 feet. Floor space shall not be counted where the ceiling height is less than 5 feet.

(9) A partition between living units in a multifamily shelter shall extend to the ceiling or roof of the shelter for all new or substantially remodeled shelters and for all shelters 3 years after the effective date of these rules.

(10) Sufficient bed space consisting of comfortable, rigidly supported beds, cots, or bunks with clean mattresses shall be provided for all individuals. Bedding that is provided by the camp operator shall be clean and sanitary. Triple-deck bunks are prohibited. The clear space between the top of the lower mattress of a double-deck bunk and the bottom of the upper bunk shall be not less than 27 inches. The distance from the top of the upper mattress to the ceiling shall be not less than 36 inches.

(11) For all single-sex crews, a separate bed for each occupant shall be provided.

R 325.3617 Fire safety and first aid.

Rule 17. (1) Living and sleeping above a second floor shall not be allowed unless authorized by the department.

(2) Except as provided in subrule (10) of this rule, each sleeping room shall have 2 remotely separated exits. One of the 2 exits may be a readily accessible window with a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. The sill height shall not be more than 44 inches above the floor.

(3) In a 1-story shelter, a sleeping area for 10 or more adults, a central dining facility, and a common assembly room shall each have not less than 2 doors that are remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(4) A second story with a living unit, a central dining facility, or a common assembly room shall have 2 stairways as means of egress. One of the 2 stairways may be an interior stairway and the second may be an exterior stairway, except as provided in subrule (10) of this rule.

(5) Escape corridors and interior exit stairways shall be protected by 20-minute-fire-resistant, time-rated materials. An interior stairway from an escape corridor shall have a 1 3/4-inch solid wood core door or equivalent at the bottom or top of the stairway. Non-locking-against-egress hardware shall be provided on each stairway door.

(6) Fire-extinguishing equipment shall be provided and located not more than 100 feet from each shelter. The equipment shall, at a minimum, be the equivalent of a 2A10BC fire extinguisher.

(7) A flammable or volatile liquid or material, except for those needed for current household use, shall not be stored in or adjacent to a shelter.

(8) An agricultural pesticide shall not be stored in a shelter, in a building in which a living unit is or may be located, in a service building, or in the camp area unless the pesticide is stored in a locked building. Agricultural pesticides shall not be stored or mixed in a camp that is established after the effective date of these rules. A camp that is constructed after the effective date of these rules shall not be located within 50 feet of orchards or farmland on which agricultural pesticides will be applied.

(9) A smoke-detecting device shall be provided within each shelter at a point centrally located in each corridor or area that provides access to rooms used for sleeping and at the top of a stairway where the second floor of a structure is intended to be occupied. A smoke-detecting device shall be operational at the time the camp is licensed.

(10) Facilities in existence on the effective date of these rules shall comply with both of the following provisions:

(a) In a 1-story shelter for a family or for less than 10 adults, not less than 2 means of escape shall be provided. One means of escape may be a readily accessible window with an openable area of not less than 432 square inches and at least dimension of not less than 16 inches. The bottom opening of such window shall be not more than 3 feet 6 inches above the floor.

(b) A second story with a sleeping area, a central dining facility, or a common assembly room shall have a stairway, and an approved permanently affixed exterior ladder or a second stairway.

R 325.3619 Ventilation; lighting; electricity.

Rule 19. (1) A shelter shall be provided with adequate ventilation and natural lighting. The natural light area, as provided by exterior glazed openings, shall be not less than 8% of the habitable space. The openable window area shall be not less than 45% of the window area, except where some other approved device that affords adequate ventilation is supplied.

(2) Outside openings that are used for ventilation shall be protected during the fly season with not less than 16-mesh screening. A screen door shall be equipped with a self-closing device. Toilet facilities constructed after the effective date of these rules shall be ventilated to the outdoors.

(3) A shelter shall be provided with electric service that is adequate to meet the requirements of the national electrical code for the load being served.

(4) Each room in a shelter and a common use room or area, such as a laundry room, central toilet, hallway, or stairway, shall have not less than 20 footcandles of light. Not less than 2 wall-mounted duplex electrical outlets, with 1 duplex outlet per 12 lineal feet of wall, shall be provided in all habitable space. However, in existing habitable space, 2 wall-mounted duplex electrical outlets, with 1 duplex outlet per 16 lineal feet of wall, are approved until a major change is made to the electrical system. Bathrooms shall have at least 1 wall-mounted duplex electrical outlet. All bathroom and laundry area outlets shall be provided with ground fault circuit interrupter protection. Electrical service in a privy or portable toilet is not required.

(5) Adequate lighting shall be provided for the yard area and pathways to common use facilities.

(6) Wiring and lighting fixtures shall be installed and maintained in a safe condition.

(7) New electrical wiring shall comply with the requirements of the national electrical code and, except for incidental electrical wiring, shall be approved by the electrical inspection authority that has jurisdiction or shall be certified by a licensed electrical contractor.

R 325.3621 Heating.

Rule 21. (1) A shelter and a common use room or area that is used before May 31 or after September 1 in any year shall be provided with properly installed, operable heating equipment that is capable of maintaining a temperature of not less than 65 degrees Fahrenheit.

(2) Heating facilities that utilize combustible fuel when in a shelter shall be installed and vented in compliance with the manufacturer's instructions and shall be approved by the mechanical inspection authority that has jurisdiction or by a licensed mechanical contractor, except as provided in subrule (4) of this rule. A portable heater, other than an electric heater, is prohibited.

(3) Heating facilities shall bear the seal of a recognized testing laboratory or the American gas association, except as provided in subrule 4 of this rule.

(4) Facilities that are in existence on the effective date of these rules shall comply with all of the following provisions:

(a) Heating facilities in a shelter that utilize combustible fuel shall be installed and vented to prevent fire hazards and a dangerous concentration of gases. A portable heater, other than an electric heater, is prohibited. If a solid or liquid fuel heater is situated on wood or other combustible flooring, a concrete slab, insulated metal sheet, or other fireproof material shall be provided on the floor under the heater.

(b) A wall or ceiling that is within 18 inches of a solid or liquid fuel heater or a flue shall be made of fireproof material. A vented metal collar shall be installed around a flue that passes through a wall, ceiling, floor, or roof.

(c) A heating facility shall have automatic controls of the type that will cut off the fuel supply if the flame or ignition fails or is interrupted or if a predetermined safe temperature or pressure is exceeded.

R 325.3623 Cooking, eating, and refrigeration facilities

Rule 23. (1) When a migratory laborer or the laborer's family is required to cook in an individual shelter, a room or space shall be provided for cooking and eating. The room or space shall be provided with all of the following:

(a) A properly installed and operating 4-burner cook stove for each family or shelter, except that only 2 burners are required for a shelter with a capacity of 5 or less individuals.

(b) Within 6 years after the effective date of these rules, except as provided in subdivision (c) or (d) of this subrule, a 2-compartment sink which is connected to water under pressure and which is properly drained is required.

(c) An existing single-compartment sink that is in good condition in a shelter is acceptable.

(d) A 2-compartment sink which is connected to hot and cold water under pressure and which is properly connected to a drain is required for all new or substantially remodeled shelters.

(e) Adequate food storage shelves with a minimum of 6 square feet of surface area and adequate countertop space or other space for food preparation with a minimum of 2 1/2 square feet of surface area.

(f) Tables and chairs of standard construction and height or equivalent accommodations to seat each individual.

(g) A mechanical refrigerator which has proper shelving, tight-fitting doors, unbroken interior surfaces, and an operable door latch, which is for the storage of perishable foods, and which will maintain a temperature of not more than 45 degrees Fahrenheit.

(h) Adequate lighting and ventilation in the food preparation, cooking, and dining areas.

(i) Nonabsorbent, easily cleaned wall surfaces adjacent to a food preparation or cooking area. Walls that are within 18 inches of, or countertops that are under, gas hot plates shall be fire-resistant.

(j) Properly maintained and clean food service facilities at the time of licensing and after a change of occupants of the same shelter during a season.

(2) When a migratory laborer or the laborer's family is required to cook in a common facility and individual cooking facilities are not provided in the shelters, a room or building that is separate from the sleeping and toilet facilities shall be provided for cooking and eating. The room or building shall be provided with all of the following:

(a) A properly installed and operable cook stove with a minimum of 2 burners in a ratio of 1 stove for each 5 individuals in a food preparation shift.

(b) A 2-compartment sink which is connected to hot and cold water under pressure and which is properly connected to a drain.

(c) Floors made of nonabsorbent, easily cleaned material.

(d) Adequate food storage shelving with a minimum of 1 square foot of surface area per individual and adequate countertop space or area for food preparation with a minimum of 5 square feet of surface area.

(e) A mechanical refrigerator which has proper shelving, tight-fitting doors, unbroken interior surfaces, and an operable door latch, which is for the storage of perishable foods, and which will maintain a temperature of not more than 45 degrees Fahrenheit.

(f) Adequate lighting and ventilation in the food preparation, cooking, and dining areas.

(g) Nonabsorbent, easily cleaned wall surfaces adjacent to a food preparation or cooking area. Walls that are within 18 inches of, or countertops that are under, gas hot plates shall be fire-resistant.

(h) Properly maintained and clean food service facilities.

(i) Tables and chairs of standard construction and height or equivalent accommodations to seat each individual.

(3) When, within a shelter, food is prepared and consumed by an individual other than the migratory laborer or the laborer's family members, the size of the facility shall be commensurate to the capacity of the camp. The facility shall be separated from the toilet and sleeping areas. The physical facilities, equipment, and operation shall comply with the provisions of sections 12901 to 12922 of the act.

(4) When food is prepared by a work crew member who has been designated to do the cooking by other crew members, the physical facility, equipment, and operation shall be commensurate with the size of the crew and be provided with all of the following:

- (a) A properly installed and operating 4-burner cook stove for the first 10 members of a crew and an additional burner shall be provided for each additional 10 crew members.
- (b) Within 6 years after the effective date of these rules, except as provided in subdivision (c) or (d) of this subrule, a 2-compartment sink which is connected to water under pressure and which is properly drained.
- (c) An existing single-compartment sink that is in good condition in a shelter is acceptable.
- (d) A 2-compartment sink which is connected to hot and cold water under pressure and which is properly connected to a drain is required for all new or substantially remodeled shelters.
- (e) Adequate food storage shelves with a minimum of 6 square feet of surface area and adequate countertop space or other space for food preparation with a minimum of 2 1/2 square feet of surface area.
- (f) Tables and chairs of standard construction and height or equivalent accommodations to seat each individual.
- (g) A mechanical refrigerator which has proper shelving, tight-fitting doors, unbroken interior surfaces, and an operable door latch, which is for the storage of perishable foods, and which will maintain a temperature of not more than 45 degrees Fahrenheit.
- (h) Adequate lighting and ventilation in the food preparation, cooking, and dining areas.
- (i) Nonabsorbent, easily cleaned wall and counter surfaces adjacent to a food preparation or cooking area. Walls that are within 18 inches of, or countertops that are under, gas hot plates shall be fire-resistant.
- (j) Clean and properly maintained food service facilities at the time of licensing or prior to a new crew occupying the camp during a season.

R 325.3625 Bathing, hand-washing, and laundry facilities.

Rule 25. (1) A bathing facility that is supplied with hot and cold or tempered water under pressure shall be provided. The facility shall be clean and sanitary and located within 200 feet of each shelter.

(2) A bathing facility shall contain at least 1 showerhead per 10 individuals. Showerheads shall be spaced not less than 3 feet apart, shall have not less than 9 square feet of floor area per unit, and shall be separated with a partition. A commercial prefabricated shower stall with a floor area of approximately 32 inches by 32 inches is acceptable. Adequate dry dressing space that affords privacy shall be provided. A shower floor shall be constructed of nonabsorbent, nonskid materials and shall be sloped to a properly constructed floor drain. Except in a single-family shelter, a separate shower facility shall be provided for each sex. Where more than 2 showers are required, the additional showers may be unisex. Common-use shower facilities for each sex in the same building shall be separated by a solid, nonabsorbent wall from the floor to the ceiling or roof and shall be plainly designated "Men," "Women," or "unisex." The entrance to a men's or women's shower area shall afford privacy.

(3) Hand-washing facilities with hot and cold or tempered water in a ratio of 1 unit per single-family shelter or 1 unit per 15 individuals shall be provided.

(4) Laundry facilities shall be provided, except where a shelter is provided with a sink with hot and cold running water. Laundry facilities shall include double laundry tubs with hot and cold or tempered water under pressure in a ratio of 1 unit per 30 individuals.

(5) Water heaters shall be capable of supplying adequate hot water during reasonable use.

(6) Where a laundry machine is utilized, an electrical outlet that has ground fault circuit interrupter protection shall be provided.

(7) Laundry waste shall be properly disposed of.

R 325.3627 Toilet facilities.

Rule 27. (1) A toilet shall be constructed, located, and maintained so as to prevent a nuisance or public health hazard and to afford privacy.

(2) A toilet or privy seat shall be provided in the ratio of at least 1 unit for each 15 individuals it serves.

(3) A urinal that is constructed of nonabsorbent material may be substituted for a man's toilet seat on the basis of not less than 24 inches of trough-type urinal for 1 toilet seat for a maximum of 1/3 of the required toilet seats.

(4) A separate toilet facility for each sex shall be provided, except in single-family shelters. Where more than 2 toilets are required, the additional toilets may be unisex. Toilets that serve the same sex shall be separated with a partition that is not less than 54 inches high and not less than 6 inches or more than 12 inches off the floor. Toilet facilities for each sex in the same building shall be separated by a solid wall from the floor to the ceiling or roof and shall be plainly designated "Men," "Women," or "unisex."

(5) A common-use toilet or privy shall be in a well-lighted area and shall be ventilated, clean, and sanitary.

(6) A toilet facility shall be located within 200 feet of the shelter it serves. A privy shall not be located closer than 50 feet from a shelter or facility where food is prepared or served.

(7) A privy structure and pit shall be fly-tight. A privy pit shall have an adequate capacity for the required seats.

(8) A toilet seat shall be impervious and maintained in a clean condition.

(9) Portable toilets shall be pumped at least once per week.

R 325.3629 Sewage, garbage, and refuse disposal; vermin.

Rule 29. (1) Sewage shall be discharged into a municipal sewer system, when available, or into a sewage disposal system that is approved by applicable state or local authorities. Sewage shall not be disposed of on the ground surface.

(2) An adequate number of durable, fly-tight, clean containers that are in good condition shall be provided for storing garbage and other refuse.

(3) Refuse shall be collected at least once a week or more often if necessary. The disposal of garbage and other refuse shall be in accordance with state and local law.

(4) Shelters and common use facilities shall be free of insects, rodents, and other vermin.

R 325.3631 Winter occupancy.

Rule 31. An individual shall not occupy, nor shall a camp operator permit occupancy of, a shelter in an agricultural labor camp before April 1 or after November 15 in any year, unless the shelter complies with all of these rules that are not inconsistent with this rule and has all of the following items:

(a) A kitchen sink which is in working condition and which is properly connected to hot and cold water and to a wastewater disposal system.

(b) A bathing facility that is supplied with hot and cold or tempered water.

(c) A flush toilet that is properly connected to a water and wastewater disposal system.

(d) Double floors, double walls or an equivalent, and interior permanent-type ceilings. Concrete slab floors are acceptable.

(e) A free air space, if provided under the floor, that is protected to prevent plumbing from freezing and to assist in maintaining proper room temperature.

(f) Not less than 100 square feet of floor space per individual.

R 325.3633 Grants ; eligibility.

Rule 33. (1) A migrant housing improvement project for which an application is submitted shall be in compliance with the minimum requirements of the act and these rules.

(2) An improvement project that covers necessary buildings and related facilities shall be considered for a grant. Household furnishings shall not be eligible for a grant. Only equipment that is permanently installed as part of the structure shall be eligible for a grant, such as plumbing, lighting fixtures, central heating units, or heating units that are permanently affixed to the building.

(3) In case of a dual-purpose building, a grant shall be based on those facilities that are strictly for the housing of migratory laborers, such as interior partitions, plumbing facilities, and electrical wiring.

(4) An employer of migratory laborers is eligible for grants totaling not more than \$5,000.00 in any fiscal year.

R 325.3635 Grants ; application.

Rule 35. (1) Applications for grants shall be made on forms provided by the department.

(2) Upon receipt of a properly completed application, the department will place the application in a priority sequence based upon post date, with the earliest date assigned the highest priority and, if the post date is not legible or the application is hand delivered, upon the date received by the department. If applications that bear the same date request money in excess of the fund, then the priority sequence for such applications will be determined by lottery under supervision of the advisory board. Applications will be reviewed and field investigations may be made to determine compliance with the provisions of the act and these rules for allocation of the grant monies.

R 325.3637 Grant agreements.

Rule 37. (1) The department shall submit, on a priority basis, an offer and acceptance agreement form to all approved applicants until the grant fund for the fiscal year has been exhausted as determined from a summation of dollar amounts on the acceptance forms.

(2) An offer and acceptance agreement shall be entered into between an applicant and the department to assure that the purposes of the act and these rules are effectively carried out.

R 325.3639 Grants; claims.

Rule 39. (1) The construction of an approved project shall be completed in accordance with the construction schedule stated on the offer and acceptance form, unless an extension is approved in writing by the department.

(2) Only upon completion of the project shall the grantee submit to the department a claim for payment of the grant. Sufficient evidence shall accompany the claim to substantiate the cost of the project for which the claim is made.

- (3) A grantee shall furnish the department with a record that covers the costs of a project, including receipts of expenditures for materials and equipment purchased and labor engaged to carry out construction and installation.
- (4) If labor is furnished by a grantee or his or her regular employees, the record shall include the amount and value of the labor.
- (5) If materials or equipment are furnished by a grantee, the record shall include a description of the materials or equipment and its estimated value.
- (6) A claim for payment shall be submitted on a form provided by the department, with the record certifying that items contained therein reflect the actual costs of the project for which a claim is made.

R 325.3641 Grants; processing of claims and payments.

- Rule 41. (1) The department shall promptly process a claim for a grant, including conducting a field evaluation and examination and auditing the records covering the cost of the project. If for any reason a claim is denied or reduced in amount, the claimant shall be furnished with an explanation, in writing, of such action.
- (2) If the actual cost of the project upon completion of construction is less than the estimated cost upon which the grant offer is based, the actual cost shall be used to determine the amount of the grant payment.
- (3) Payment shall not be paid by the department to an applicant who fails to comply with all provisions of the act and these rules, and such monies shall be reallocated promptly.
- (4) Housing constructed or improved with the assistance of grant funds shall continue to be used to house migratory laborers who are employed by the grant recipient for not less than 3 years after the date of completion of construction. If housing is not used to house migratory laborers for 3 years, a proportionate share of the grant shall be refunded to the fund. When it appears to the director that a grant recipient has proceeded in good faith, the director may authorize the housing of migratory laborers who are employed by other growers under terms prevailing in the region.

R 325.3643 Implementation.

Rule 43. These rules shall be implemented on January 1 following the effective date of the rules.

R 325.3699 Rescission.

- Rule 99. (1) R 325.1501 to R 325.1515 of the Michigan Administrative Code, appearing on pages 1805 to 1811 of the 1979 Michigan Administrative Code, are rescinded.
- (2) R 325.1531 to R 325.1536 of the Michigan Administrative Code, appearing on pages 1811 to 1813 of the 1979 Michigan Administrative Code, are rescinded.

December 14, 1989